IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE J**URISDICTION**

WRIT PETITION NO.5988/2005

Unknown heirs and legal representatives of deceased Saiyad Ismail & Anr ... Petitioner.

Verus.

Mohd.Sherif Qureshi .. Respondent.

Mr.M.P.Mishra for petitioner.

CORAM: SMT.N.N.MHATRE,J.

DATE : 12th September 2005.

P.C.

1. The petitioner challenges the concurrent findings of fact of the courts below. The courts have held that the deceased tenant had sub let the premises. Petitioner no.2 claims to be the sister of the deceased tenant and legal representative of the original tenant. She claims tenancy in respect of the suit premises on the basis of her relationship with the original tenant. Both the courts below have found that Petitioner no. 2 did not stay in the suit premises at all as a member of the original tenant's family. They have both found that the electoral rolls indicated that she was staying elsewhere. The electoral rolls show that from 1972 to 1977 and 1978

to 1985 only the deceased tenant and his wife were residing in the suit premises. In such circumstances both the courts below have rightly decreed the suit. I see no reason to interfere under Article 227 of the Constitution of India and the Petition is, accordingly, rejected.

(SMT.N.N.MHATRE,J)